

**BEST AVAILABLE COPY**Serial No.: 10/091,740  
Art Unit: 2132**BEST AVAILABLE COPY** *REMARKS*

This is a full and timely response to the outstanding non-final Office Action mailed September 2, 2005. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

1. Response to Objection of Claim 4

Claim 4 stands objected to because of the informality of the phrase "the desired location." This phrase is alleged to not appear in the base claims from which claim 4 depends. Accordingly, claim 4 has been amended to overcome the objection in a manner suggested in the Office Action. As such, Applicant respectfully requests withdrawal of the objection.

2. Response to Rejection of Claims 12 and 24 Under 35 U.S.C. § 112, First Paragraph

Claims 12 and 24 stand rejected under 35 U.S.C. § 112, First Paragraph for allegedly not providing an enabling disclosure. In particular, the Office Action questions how the subject matter of claims 12 and 24 discloses transferring a location of data. Applicant respectfully traverses the rejection.

With regard to claim 12, base claim 1 includes the steps of "automatically configuring the data for communication with the secondary communication protocol" and "transmitting the data to the destination by utilizing the secondary communication protocol." In addition, base claim 9 states that the "automatically configuring step" comprises generating an email and populating the email with pertinent information that correlates to the data. Accordingly, in claim 12, it is stated that the information that is populated in the email comprises a reference to a remote location where the data is stored. Therefore, the "transmitting" step referenced in base claim 1 involves the transmission of data from the remote location referenced in claim 12. This claim is supported in the specification with the discussion accompanying Fig. 5, among others. Therefore, Applicant respectfully submits that claim 12 complies with the requirements of 35 U.S.C. § 112, First Paragraph, for at least these reasons.

Similarly with regard to claim 24, it is stated that the information that is populated in the email comprises a reference to a remote location where the data is stored. Therefore, the transmit operation referenced in base claim 14 involves the

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transmission of data from the remote location referenced in claim 14. This claim is also supported in the specification with the discussion accompanying Fig. 5, among others. Therefore, Applicant respectfully submits that claim 24 complies with the requirements of 35 U.S.C. § 112, First Paragraph, for at least these reasons.

Accordingly, Applicant respectfully requests withdrawal of the rejections.

3. Response to Rejection of Claims 1-11, 13-23, and 25-41 Under 35 U.S.C. § 102(e)

Claims 1-11, 13-23, and 25-41 have been rejected under 35 U.S.C. § 102(e) as being anticipated by *Schwartz* (U.S. Patent Application Publication 2002/0199114 A1). Applicant respectfully traverses the rejections.

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

In the present case, not every feature of the claimed invention is represented in the *Schwartz* reference. Applicant discusses the *Schwartz* reference and Applicant's claims in the following.

a. Claim 1

As provided in independent claim 1, Applicant claims:

A method of transmitting data across a firewall, the method comprising:

receiving a request to transmit data to a destination;

searching for a firewall associated with the destination, the firewall being configured to prohibit communication to the destination via a primary communication protocol and allow communication to the destination via a secondary communication protocol;

if the firewall is detected, automatically configuring the data for communication with the secondary communication protocol; and

transmitting the data to the destination by utilizing the secondary communication protocol, *wherein the request to transmit the data to the destination comprises a primary address of the destination related to the primary communication protocol and a secondary address of the destination related to the secondary communication protocol.*

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(Emphasis added).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Schwartz* does not disclose, teach, or suggest at least "wherein the request to transmit the data to the destination comprises a primary address of the destination related to the primary communication protocol and a secondary address of the destination related to the secondary communication protocol," as recited and emphasized above.

Rather, *Schwartz* discloses at most a system for opening a connection at a given address, where the system "will try and discern" or "select the most likely address" in order to establish another connection if the first one was unsuccessful. *See, e.g.*, para. 0029 and 0032. Therefore, *Schwartz* fails to teach or suggest "wherein the request to transmit the data to the destination comprises a primary address of the destination related to the primary communication protocol and a secondary address of the destination related to the secondary communication protocol," as recited in claim 1. (Emphasis added). For at least this reason, *Schwartz* fails to anticipate claim 1.

Therefore, the rejection of claim 1 should be withdrawn for at least the aforementioned reason.

b. Claims 2 and 4-13

Because independent claim 1 is allowable over the cited art of record, dependent claims 2 and 4-13 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2 and 4-13 contain all the steps and features of independent claim 1. For at least this reason, the rejection of claims 2 and 4-13 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 2 and 4-13, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.

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c. Claim 3

Claim 3 is canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to this claim is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

d. Claim 14

As provided in independent claim 14, Applicant claims:

A system for rerouting the transmission of data to avoid a firewall, the system comprising: a transmission device configured to search for a firewall protecting a destination, the firewall being configured to prohibit communication to the destination via a primary communication protocol and allow communication to the destination via a secondary communication protocol, the transmission device is further configured to, upon detection of the firewall, automatically configure the data for communication over the secondary communication protocol and transmit the data by utilizing the secondary communication protocol, *wherein the transmission device is further configured to receive a request to transmit the data to the destination and the request comprises at least the following: a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol and wherein the transmission device is further configured to, upon not detecting the firewall, transmit the data to the destination by utilizing the primary communication protocol.*

(Emphasis added).

Applicant respectfully submits that independent claim 14 is allowable for at least the reason that *Schwartz* does not disclose, teach, or suggest at least "wherein the transmission device is further configured to receive a request to transmit the data to the destination and the request comprises at least the following: a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol and wherein the transmission device is further

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configured to, upon not detecting the firewall, transmit the data to the destination by utilizing the primary communication protocol," as recited and emphasized above.

Rather, *Schwartz* discloses at most a system for opening a connection at a given address, where the system "will try and discern" or "select the most likely address" in order to establish another connection if the first one was unsuccessful. *See, e.g.,* para. 0029 and 0032. Therefore, *Schwartz* fails to teach or suggest "wherein the transmission device is further configured to receive a request to transmit the data to the destination and the request comprises at least the following: a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol and wherein the transmission device is further configured to, upon not detecting the firewall, transmit the data to the destination by utilizing the primary communication protocol," as recited in claim 14. For at least this reason, *Schwartz* fails to anticipate claim 14.

Therefore, the rejection of claim 14 should be withdrawn for at least the aforementioned reason.

e. Claims 15-16

Claims 15-16 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejection to these claims are rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

f. Claims 17-28

Because independent claim 14 is allowable over the cited art of record, dependent claims 17-28 (which depend from independent claim 14) are allowable as a matter of law for at least the reason that the dependent claims 17-28 contain all the elements and features of independent claim 14. For at least this reason, the rejection of claims 17-28 should be withdrawn.

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Additionally and notwithstanding the foregoing reasons for allowability of claims 17-28, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.

g. Claim 29

As provided in independent claim 29, Applicant claims:

A transmission device configured to transmit data to a destination, the transmission device comprising:

means for transmitting the data by utilizing a secondary communication protocol;

means for searching for a firewall, the firewall being configured to prohibit communication to the destination by a primary communication protocol and allow communication to the destination via the secondary communication protocol;

means for automatically configuring the data for communication for the secondary communication protocol upon detecting the firewall; and

*means for receiving a request to transmit the data to the destination, wherein the request comprises at least the following:*

*a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol.*

(Emphasis added).

Applicant respectfully submits that independent claim 29 is allowable for at least the reason that *Schwartz* does not disclose, teach, or suggest at least "means for receiving a request to transmit the data to the destination, wherein the request comprises at least the following: a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol," as recited and emphasized above.

Rather, *Schwartz* discloses at most a system for opening a connection at a given address, where the system "will try and discern" or "select the most likely address" in order to establish another connection if the first one was unsuccessful.

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See, e.g., para. 0029 and 0032. Therefore, *Schwartz* fails to teach or suggest "means for receiving a request to transmit the data to the destination, wherein the request comprises at least the following: a primary address and a secondary address of the destination, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol," as recited in claim 29. For at least this reason, *Schwartz* fails to anticipate claim 29.

Therefore, the rejection of claim 29 should be withdrawn for at least the aforementioned reason.

h. Claims 30 and 33-34

Because independent claim 29 is allowable over the cited art of record, dependent claims 30 and 33-34 (which depend from independent claim 29) are allowable as a matter of law for at least the reason that the dependent claims 30 and 33-34 contain all the elements and features of independent claim 29. For at least this reason, the rejection of claims 30 and 33-34 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 30 and 33-34, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.

Accordingly, the rejections to these claims should be withdrawn.

i. Claims 31-32

Claims 31-32 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejections to these claim are rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

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j. Claim 35

As provided in independent claim 35, Applicant claims:

A data transmission program stored on a computer-readable medium, the transmission program comprising:

logic configured to facilitate the transmission of data by utilizing a secondary communication protocol;

logic configured to search for a firewall, wherein the firewall is configured to prohibit communication to a recipient device via a primary communication protocol and allow communication via the secondary communication protocol; and

logic configured to automatically configure communication for the secondary communication protocol upon detecting the firewall; and

*logic configured to receive a request to transmit the data to the recipient device, the request comprising of at least the following: a primary address and a secondary address of the recipient device, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol.*

(Emphasis added).

Applicant respectfully submits that independent claim 35 is allowable for at least the reason that *Schwartz* does not disclose, teach, or suggest at least "logic configured to receive a request to transmit the data to the recipient device, the request comprising of at least the following: a primary address and a secondary address of the recipient device, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol," as recited and emphasized above.

Rather, *Schwartz* discloses at most a system for opening a connection at a given address, where the system "will try and discern" or "select the most likely address" in order to establish another connection if the first one was unsuccessful. *See, e.g.*, para. 0029 and 0032. Therefore, *Schwartz* fails to teach or suggest "logic configured to receive a request to transmit the data to the recipient device, the request comprising of at least the following: a primary address and a secondary address of the recipient device, the primary address being related to the primary communication protocol and the secondary address being related to the secondary communication protocol," as recited in claim 35. For at least this reason, *Schwartz* fails to anticipate claim 35.



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Therefore, the rejection of claim 35 should be withdrawn for at least the aforementioned reason.

k. Claims 36 and 38

Claims 36 and 38 are canceled without prejudice, waiver, or disclaimer, and therefore, the rejections to these claim are rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of the canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the canceled subject matter to the public.

l. Claims 37 and 39-41

Because independent claim 35 is allowable over the cited art of record, dependent claims 37 and 39-41 (which depend from independent claim 35) are allowable as a matter of law for at least the reason that the dependent claims 37 and 39-41 contain all the features of independent claim 35. For at least this reason, the rejection of claims 37 and 39-41 should be withdrawn.

Additionally and notwithstanding the foregoing reasons for allowability of claims 37 and 39-41, these claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the cited art of record. Hence, there are other reasons why these dependent claims are allowable.


Accordingly, the rejections to these claims should be withdrawn.

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**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
Charles W. Griggers  
Reg. No. 47,283

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